

Freedom of the Press

Press freedom in Zimbabwe remained restricted in 2013, although improvements in the media environment as a result of previous reforms, as well as a more relaxed attitude by officials toward year's end, contributed to overall gains during the year. Access to information continued to be tightly controlled and journalists faced pressure and a spate of physical attacks in the run-up to national elections held in July, in which President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) party won a majority in polls widely regarded as unfair. Legal harassment and a continued lack of movement to enact regulatory reforms, particularly in the broadcast sector, remained primary concerns. Nevertheless, a new constitution provided formal protection for media freedom, and an October decision by the Constitutional Court ruled that certain provisions of the penal code did not comply with the constitution. The media landscape continued to diversify, and more critical coverage on a range of sensitive issues was apparent in 2013.

The new constitution, signed into law in May 2013, provides for freedom of expression and access to information, subject to some limitations, and was seen as an improvement on its predecessor. However, an otherwise draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) requires all journalists and media companies to register, and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor their content to prevent a “serious offense” or a “threat to national security.”

Authorities continued to exploit these laws to harass and punish journalists in 2013, often with the complicity of law enforcement agents. In February, a *NewsDay* reporter was arrested on criminal insult charges filed by an ousted ZANU-PF official after the reporter went to a police station seeking protection from death threats made by the same official. In May, two journalists with the private weekly *Zimbabwe Independent* faced criminal charges of “publishing false statements” after they filed a story on secret discussions between the military and the opposition Movement for Democratic Change (MDC) party to negotiate a post-ZANU-PF transition after the elections. Criminal defamation charges filed in July 2011 against Nevanji Madanhire, editor of the weekly *Standard*, and two other staff members at the paper remained stalled in the court system in 2013, pending a Supreme Court decision on the case. Politicians and other prominent figures also continued to file civil defamation cases against journalists, demanding exorbitant amounts in damages. Although many of the cases are eventually dismissed by the courts, charges can remain pending for months, leading to financial and logistical hardships for the journalists involved. In a significant development, in October 2013, the Constitutional Court ruled in favor of two journalists—Madanhire and *Standard* reporter Nqaba Matshazi—who had appealed their convictions under Zimbabwe's criminal defamation law; the court found the law to be unconstitutional. The ruling came just days after the minister of information, media and broadcasting services, Jonathan Moyo, announced that the government was planning to repeal the statutes to align current laws with the new constitution.

Although the right to information is theoretically provided for under AIPPA—subject to a number of

exemptions—in practice the relevant provisions of the law are not operational and accessing official information remains extremely difficult. The colonial-era Official Secrets Act is also used to keep tight control over information.

The Zimbabwe Media Commission (ZMC) is tasked with regulating the licensing of publications and journalists. It licensed five new publications in 2010, including several independent dailies, and additional print outlets in 2013. In 2012, the ZMC announced the creation of the 13-member Zimbabwe Media Council, as provided for under AIPPA. The council is charged with developing codes of conduct for print media and has the power to impose punishments on media houses that transgress the codes. Meanwhile, the independent Voluntary Media Council of Zimbabwe (VMCZ), a self-regulatory body covering all types of media that is supported by a majority of print outlets, continued to develop its scope of activities, hearing several dozen formal complaints throughout the year and adjudicating a number of other disputes regarding media content. The potential for competition between these dual regulatory frameworks has raised concern among local analysts.

Broadcasting licenses have been consistently denied to independent and community radio stations. Critics allege that the board of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses, was illegally appointed in 2009 by the information minister and stacked with ZANU-PF loyalists. Calls by civil society activists for the BAZ to be reconstituted were dropped in 2013, however. In 2011, the authority awarded two national commercial licenses to companies aligned with the ruling party in a process that was deemed opaque and politically biased. The decision faced a legal challenge in 2012 by two of the rejected applicants. In November 2013, the BAZ issued a call for applications for 25 new free-to-air commercial radio licenses, but analysts expressed concerns about the process after it emerged applicants were required to provide information regarding directors' and shareholders' political affiliations.

Journalists faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of both political parties during the year. Many were harassed while attempting to cover news events or sensitive political issues such as the constitutional reform process, the presidential elections, or abuses at diamond mines. In June 2013, there were a number of reports of threats and harassment against journalists who attempted to cover rallies and events organized by both ZANU-PF and the MDC. Also that month, freelance journalist Paul Pindani was kidnapped and severely beaten by masked assailants in the town of Chinhoyi. It is believed the attack was in connection with an uncredited *NewsDay* story on the arrest of a ZANU-PF member alleged to have been involved in a fatal attack on a local businessman, though Pindani did not write the story. Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also occasionally subject to official harassment.

Faced with legal restrictions as well as the threat of extralegal intimidation, many journalists practice extensive self-censorship, particularly regarding sensitive issues such as corruption or factional fighting within ZANU-PF. However, during the year, there was relatively more reporting on issues such as official corruption and malfeasance, with coverage ranging from low-level officials to Mugabe and his family. In recent years, a number of exiled journalists have returned to Zimbabwe, and new cases of exile have not been reported since 2009, according to the Committee to Protect Journalists.

Foreign journalists can encounter restrictions on residing full-time in the country and are sometimes denied visas to file stories from Zimbabwe. Locally based correspondents for foreign publications have also been refused accreditation or threatened with lawsuits and deportation. Steep accreditation fees introduced in January 2011 for foreign media bureaus and their local correspondents remain in place. Although several dozen foreign journalists were accredited to cover the constitutional referendum in 2013, and several

hundred covered the July elections, many faced surveillance while in the country and were prevented from covering certain stories or events. A Kenyan reporter was deported in July for failing to obtain appropriate accreditation, while a Voice of America (VOA) reporter was denied entry into the country in March.

The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the *Chronicle* and the *Herald*, whose propagandistic coverage favors Mugabe and ZANU-PF. This slant became more pronounced in the run-up to the July elections. The private Alpha Media Holdings group publishes a number of the country's independent papers, including *NewsDay*, the *Standard*, the *Zimbabwe Independent*, and the regionally focused daily *Southern Eye*, launched in Bulawayo in 2013. The *Daily News*, published by Associated Newspapers of Zimbabwe, resumed operations in 2011 after being shuttered in 2003 and is generally aligned with MDC viewpoints. The *Zimbabwean* is produced in South Africa for the Zimbabwean market, and some foreign newspapers, mainly from South Africa, are available despite a 2012 ZMC directive banning the distribution of unregistered foreign newspapers.

Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint in recent years. Vendors and distributors of independent newspapers are occasionally harassed by soldiers or ruling party supporters. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition. Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant, according to a recent report by the VMCZ.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs the vast majority of broadcast media outlets, which are subject to overt political interference and censorship. ZBC coverage overwhelmingly favors ZANU-PF, and this was particularly true during the elections. In 2012, two new privately run radio stations—Star FM and ZiFM—commenced operation. Despite initial concerns over their owners' close ties to ZANU-PF, local analysts noted that the stations' news and talk radio content presented a diversity of views. In mid-2013, 1st TV, a new station launched by exiled journalists based in South Africa, started broadcasting via free-to-air satellite decoders that are used to access foreign stations; however, its operations were suspended after several months due to a lack of stable funding. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Radio broadcasts are currently the main source of information in rural areas. However, access to broadcast media in these districts is hampered by deteriorating equipment and a lack of transmission sites, although the government has reached an agreement with China to help upgrade transmission infrastructure. Official attempts to broadly jam the signals of popular foreign-based radio stations that broadcast into Zimbabwe—including SW Radio Africa, a station run by exiled Zimbabwean journalists in London; the VOA's Studio 7 service; and the Voice of the People—continued to be a concern, and local authorities have on occasion raided homes in rural areas and confiscated the shortwave radios used to access these broadcasts. In February 2013, police banned the distribution and use of hand-cranked and solar-powered radios and other communications devices, claiming that they were being used to broadcast hate speech. In March, authorities raided the production studios of community station Radio Dialogue in Bulawayo, confiscating 180 radio sets. Satellite television services that carry international and regional news programming remain largely uncensored and are being accessed by a rapidly growing share of the population, thanks to new technology such as free-to-air decoders. It is estimated that approximately 60 percent of the population now have satellite dishes.

Access to the internet is limited by service disruptions caused by frequent power outages, although costs have significantly decreased due to greater competition in the telecommunications sector. Zimbabwe has a relatively high rate of internet penetration for Africa, at nearly 19 percent of the population in 2013. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are increasingly popular among those with internet access, and diaspora media also distribute news and information via mobile-telephone

text messaging. Social media have also taken on a more important role in the news and information environment, with politically-focused posts by the “Baba Jukwa” profile on Facebook attracting a significant following during the year.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

73

(0 = best, 30 = worst)

24

(0 = best, 40 = worst)

25

(0 = best, 30 = worst)

24